

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

HOWARD HOFELICH,)	Civ. No. 11-00034 DAE-BMK
)	
Plaintiff,)	FINDINGS AND
)	RECOMMENDATION THAT
vs.)	PLAINTIFF'S MOTION FOR
)	DEFAULT JUDGMENT AGAINST
STATE OF HAWAII, et al.,)	STATE OF CALIFORNIA BE
)	DENIED
Defendants.)	
_____)	

FINDINGS AND RECOMMENDATION THAT PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT AGAINST STATE OF CALIFORNIA BE DENIED

Before the Court is Plaintiff Howard Hofelich's Motion For Default Judgment Against State of California. After careful consideration of the Motion, the Court finds and recommends that Plaintiff's Motion be DENIED.¹

In the Motion, Plaintiff seeks default judgment against Defendant State of California, arguing that "time has expired for answer to Complaint." (Motion at 1.) Plaintiff therefore "motions the court for immediate default judgment against the State of California for remedy for damages with a demand for compensation of \$500,000,000." (Id.)

According to the Summons issued in this case (Doc. 2), each Defendant was required to "serve on the plaintiff an answer to the attached

¹ Pursuant to Local Rule 7.2(d), the Court elects to decide this matter without a hearing.

complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure” “[w]ithin 21 days after service of this summons” on each Defendant. Thus, if California was served the summons and Complaint, it had twenty-one days thereafter to file an Answer to the Complaint. However, nowhere in Plaintiff’s Motion for Default Judgment does he state if or when California was served. Without knowing when California was served, this Court is unable to determine if the deadline to answer the Complaint has passed. Accordingly, because Plaintiff has failed to show that he is entitled to default judgment against California, the Court finds and recommends that his Motion be DENIED.

DATED: Honolulu, Hawaii, March 30, 2011.

IT IS SO FOUND AND RECOMMENDED.



/S/ Barry M. Kurren
Barry M. Kurren
United States Magistrate Judge

Hofelich v. State of Hawaii, et al., Civ. No. 11-00034 DAE-BMK; FINDINGS AND RECOMMENDATION THAT PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT AGAINST STATE OF CALIFORNIA BE DENIED.